

1983), EPA informed the State of New York of those additions, changes and revisions which had occurred since the last delegation (from June 10, 1984 through January 31, 1984) and offered delegation of those additions, changes and revisions which EPA determined the State of New York had the authority to implement and enforce. On May 29, 1984, the State of New York accepted delegation of the new NSPS subparts and the revisions to the previously delegated NSPS and NESHAPS standards which EPA offered in its March 8, 1984 letter. The State of New York now has authority to implement and enforce these standards. Applications, reports and other submittals required under these regulations should now be sent to the State's Department of Environmental Conservation.

EFFECTIVE DATE: June 6, 1984.

ADDRESSES: Applications, reports and other submittals required under those NSPS and NESHAPS categories for which the State of New York has delegation should be addressed to the appropriate regional office of the New York State Department of Environmental Conservation or the central office at 50 Wolf Road, Albany, New York 12233, Attention: Division of Air, Bureau of Source Control.

FOR FURTHER INFORMATION CONTACT: F. W. Giaccone, Chief, Air Compliance Branch, EPA Region II, telephone (212) 264-9627 or FTS 264-9627.

SUPPLEMENTARY INFORMATION: On July 10, 1983 EPA and the New York State Department of Environmental Conservation (DEC) entered into a delegation agreement whereby, among other things, EPA would offer, every six months, delegation of those new categories of NSPS and NESHAPS standards that were promulgated by EPA during that six month period and that EPA found DEC had the authority to implement and enforce. Additionally, by this July 10, 1983 delegation agreement, EPA was to inform DEC of any changes or revisions to previously delegated NSPS or NESHAPS categories. Subsequently, DEC would accept delegation of these changes and revisions if DEC did not decline such delegation.

On March 8, 1984, EPA informed DEC of the new NSPS categories and those changes to previously delegated NSPS and NESHAPS categories.

On April 18, 1984 and again on May 29, 1984, the DEC responded to EPA's offer of delegation of the new NSPS Subparts RR, WW, and XX and the previously undelegated NSPS Subparts D and GG by accepting delegation of

these NSPS Subparts. DEC also accepted delegation of all changes and revisions to the previously-delegated NSPS and NESHAPS categories. DEC now has the authority to implement and enforce all NSPS and NESHAPS standards promulgated prior to February 1, 1984 except the following:

NSPS

40 CFR Part 60 Subpart Da
40 CFR Part 60 Subpart VV

NESHAPS

40 CFR Part 61 Subpart M 145, 146, 147, 150 & 152

Effective immediately, all applications, reports, correspondence and other submittals required under the categories of NSPS and NESHAPS delegated to the State of New York should be sent to the address listed above.

The Office of Management and Budget has exempted this action from the requirements of section 3 of Executive Order 12291.

This Notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 7411 and 7412).

Dated: August 28, 1984.

Richard T. Dewling,

Acting Regional Administrator.

[FR Doc. 84-24931 Filed 9-20-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 147

[WH-FRL-2567-6]

North Dakota Department of Health; Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Final rule; Approval of State Program.

SUMMARY: The State of North Dakota has submitted an application under section 1422 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Classes I, III, IV, and V injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's program to regulate Classes I, III, IV, and V injection wells meets the requirements of section 1422 of the Act. Therefore, this application is approved.

EFFECTIVE DATE: This regulation shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on

October 5, 1984, and shall become effective on that date.

FOR FURTHER INFORMATION CONTACT:

Patrick A. Crotty, Chief, Ground Water Section, Drinking Water Branch, Water Management Division, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. PH (303) 837-2731. Copies of the responsiveness summary of the public hearing are available from the above address.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the *Federal Register* each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The State of North Dakota was listed as needing a UIC program on June 19, 1979 (44 FR 35288). The State submitted an application under section 1422 on November 12, 1982, for the approval of a UIC program governing Classes I, III, IV, and V injection wells. The program would be administered by the North Dakota Department of Health (NDDH). On December 23, 1982, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the North Dakota UIC program submitted by the (47 FR 57302). A public hearing was held on January 25, 1983, in Bismark, North Dakota.

After careful review of this application, I have determined that the North Dakota UIC program submitted by the NDDH to regulate Classes I, III, IV, and V injection wells meets the requirements of section 1422 of the SDWA, and hereby approve it. The

effect of this approval is to establish this program as the applicable underground injection control program under the SDWA for the State of North Dakota.

This approval will be codified in 40 CFR Part 147.1751. State statutes and regulations that contain standards, requirements, and procedures applicable to owners or operators are incorporated by reference. These provisions incorporated by reference, as well as all permit conditions or permit denials issued pursuant to such provisions, are enforceable by EPA pursuant to section 1423 of the SDWA.

In this application, North Dakota chooses not to assert jurisdiction over Indian lands or reservations for purposes of its UIC program. Therefore, the EPA will, at a future date, prescribe a UIC program governing injection wells on any Indian lands or reservations.

Since this approval, in large part, simply ratifies State regulations and requirements already in effect under State law, EPA is publishing this approval effective immediately. This will enable North Dakota to begin immediately issuing UIC permits for Classes I, III, IV, and V injection wells under the Federally approved program. Currently there are 2 Class I wells, 4 Class III wells, and approximately 96 Class V wells in the State.

List of Subjects in 40 CFR Part 147

Indians—lands, Water Supply, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Incorporation by reference.

OMB Review

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under section 1422 of the Safe Drinking Water Act of the application by the North Dakota Department of Health will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: September 5, 1984.

William D. Ruckelshaus,
Administrator.

Title 40 of the Code of Federal Regulations is amended as follows:

PART 147—STATE UNDERGROUND INJECTION CONTROL PROGRAMS

Subpart JJ—North Dakota

Amend 40 CFR Part 147 by revising § 147.1751 and by adding and reserving § 147.1752 as follows:

§ 147.1751 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV, and V wells in the State of North Dakota, except those on Indian lands, is the program administered by the North Dakota Department of Health, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the Federal Register on September 21, 1984; the effective date of this program is October 5, 1984. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of North Dakota. This incorporation by reference was approved by the Director of the Federal Register effective October 5, 1984.

(1) North Dakota Century Code Sections 38-12-01, 38-12-03 (1980);

(2) North Dakota Century Code Sections 61-28-02, 61-28-06 (Supp. 1981);

(3) North Dakota Administrative Code Sections 33-25-01-01 through 33-25-01-18 (North Dakota State Health Department Underground Control Program) (1983);

(4) North Dakota Administrative Code Sections 43-02-02-01, 43-02-02-12, 43-02-02-16 through 43-02-02-26, 43-02-02-29, 43-02-02-31, 43-02-02-35 (North Dakota Geological Survey Subsurface Mineral Exploration and Development) (1978);

(5) North Dakota Administrative Code Sections 43-02-02-1-01 through 43-02-02-1-18 (North Dakota Geological Survey—Underground Injection Control Program) (1984);

(b) *Other Laws.* The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program:

(1) North Dakota Environmental Law Enforcement Act of 1975, North Dakota Century Code Sections 32-40-01 to 32-40-11 (1976);

(2) North Dakota Century Code, Ch. 38-12 (Regulation, Development, and Production of Subsurface Minerals) (1979);

(3) North Dakota Century Code Ch. 61-28 (Control, Prevention, and Abatement of Pollution of Surface Waters) (1981);

(4) North Dakota Administrative Code Article 33-22 (Practice and Procedure) (1983).

(c) The Memorandum of Agreement between EPA Region VIII and the North Dakota Department of Health, signed by the EPA Regional Administrator on May 18, 1984.

(d) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

§ 147.1752 EPA-administered program—Indian lands. [Reserved]

(42 U.S.C 300, Safe Drinking Water Act, Sec. 1422)

[FR Doc. 84-23929 Filed 9-20-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[SWH-FRL-2676-1]

Hazardous Waste Management System; Identification and Listing of Hazardous Wastes

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is today granting final exclusions for the solid wastes generated at three particular generating facilities from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions received by the Agency under 40 CFR 260.20 and 260.22 to exclude wastes on a "site-specific basis" from the hazardous waste lists. The effect of this action is to exclude certain wastes generated at these facilities from listing as hazardous waste under 40 CFR Part 261.

EFFECTIVE DATE: September 21, 1984.

ADDRESS: The public docket for these final exclusions is located in Room S-212A, U.S. Environmental Protection Agency, 401 M Street SW., Washington D.C. 20460, and is available for public viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free (800) 424-9346 or at (202) 382-3000. For technical information contact Mr. Myles Morse, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M